

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

Nadine Gazzola, individually, and as co-owner,
President, and as BATFE Federal Firearms Licensee
Responsible Person for **Zero Tolerance**
Manufacturing, Inc.; *et al.*

Civ. No.: 1:22-cv-1134 (BKS/DJS)

Plaintiffs

v.

KATHLEEN HOCHUL, in her Official Capacity as
Governor of the State of New York; *et al.*

Defendants

ATTORNEY DECLARATION

I, Paloma A. Capanna, hereby declare under penalty of perjury, that the following information is true to the best of my knowledge:

1. I am over 18 years old. I am competent to give this declaration.
2. Plaintiffs are motioning the Court for an expedited TRO/PI. Several laws went into effect September 1, 2022 and are wreaking havoc across the State at the county level, which is creating financial and legal pressure on the Plaintiffs. It is also infringing their individual Second and Fourteenth Amendment rights.
3. The bulk of the new laws complained of in this case are set to take effect on December 5, 2022. The multiple new laws in direct conflict with federal firearms compliance law are significant to the operations of Plaintiff's businesses and the continuation of their federal and state licenses as dealers, pawnshop, gunsmiths, manufacturers in the lawful stream of

commerce in firearms. Both the federal and the state laws in conflict carry criminal penalties and/or monetary fines and could result in the loss of the Plaintiffs' federal and state licenses to be dealers in firearms, gunsmiths, pawnbrokers, and manufacturers of firearms. The whole matter comes to a head on December 5 and then on December 31 because the new laws contain a certification required to be signed by Plaintiffs that they are in compliance with all new laws, which form will be returnable to the Defendant NYS Police.

4. Plaintiffs will not be in compliance with the new laws. They will not be violating federal law, which takes express precedence in this situation.
5. The laws complained of herein affect more than 1,700 Federal Firearms Licensees operating in New York.
6. This case is the only one of this nature. All other pending cases originating from the new laws signed Sumer 2022 are being tracked by the undersigned. We're it.
7. A failure of the Plaintiffs to comply with these new laws will result in a violation of their Second, Fifth, and Fourteenth Amendment rights. Some of these laws are so vague as to preclude an ordinary understanding. Many of these laws require written and other materials from the Defendants that have not yet published and/or that are inadequate.
8. The Plaintiffs are prepared to conduct a hearing with live witness testimony, if this is the preference of the Court. If, however, this cannot be accommodated in an exigent manner, Plaintiffs will waive their right to request an expedited hearing and will rest upon their papers. Great care was taken in the preparation of the Complaint and the Plaintiff Declarations. In either approach, the Plaintiffs urge an immediate ruling from the Court prior to December 5, 2022.

9. If a hearing is scheduled, the Plaintiffs will testify as to the contents of their Declarations and Exhibits, specifically, and will also cover such federal firearms compliance law as is presented in the record of this case.

Respectfully submitted this 8th day of November 2022,

Attorney for the Plaintiffs

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